

Article - Natural Resources

[\[Previous\]](#)[\[Next\]](#)

§4-11A-09.

(a) A person who wishes to obtain an aquaculture, water column, or submerged land lease shall pay a nonrefundable application fee established by the Department, in consultation with the Aquaculture Coordinating Council, and complete and submit an application to the Department.

(b) An application for an aquaculture lease, water column lease, or submerged land lease shall include:

(1) A declaration that the applicant intends to actively use the leased area for commercial purposes; and

(2) A proposed plan for active use of the lease that shall include:

(i) The lessee's source and quantity of shellfish seed;

(ii) The methods and means the applicant will use to grow shellfish;

(iii) The quantity of shellfish that the lessee expects to plant and harvest, and the time for planting and harvesting, during the initial 3 years of the lease; and

(iv) A description of the labor, materials, and equipment to be used by the lessee.

(c) The requirements for active use of a lease shall include:

(1) Annually planting at least one-fourth of the leased area at a minimum density of 1,000,000 shellfish seed per acre; or

(2) Complying with any other requirements established by the Department.

(d) (1) The term of a lease is 20 years.

(2) Except for a demonstration lease under § 4-11A-11 of this subtitle, a lease may be of any size provided that the leaseholder actively uses the area.

(3) The Department shall establish, in consultation with the Aquaculture Coordinating Council, an annual amount of rent and an aquaculture development surcharge for an aquaculture, water column, or submerged land lease.

(4) The Department, as it considers necessary to protect the public health, safety, and welfare, may:

(i) Deny a lease application for reasonable cause; or

(ii) Include any conditions in a lease.

(e) If an application for an aquaculture lease meets the requirements of this subtitle, the Department shall survey the leased area and issue a lease to the applicant.

(f) If an application for a submerged land lease in an area preapproved for leasing in the Atlantic Coastal Bays meets the requirements of this subtitle, the Department shall survey the leased area and issue a submerged land lease to the applicant.

(g) (1) If an application for a submerged land or water column lease in the Chesapeake Bay or in the Atlantic Coastal Bays meets the requirements of this subtitle:

(i) The applicant for the lease shall mark the proposed area with a stake; and

(ii) The Department shall:

1. Advertise the application on the website of the Department and once a week for 2 weeks in a newspaper published in the county or counties where the proposed lease is to be located;

2. Notify the owners of property directly in front of the proposed activity;

3. Notify each Chair of an Oyster Committee in the county in which the proposed activity is located; and

4. Notify other interested parties that the Department deems appropriate.

(2) (i) Within 30 days of publication of the last advertisement under paragraph (1) of this subsection, any person who has a specific right, duty, privilege, or interest that is different from that held by the general public and may be adversely affected by the proposed lease may file a petition with the Department protesting the issuance of the lease.

(ii) The protest shall be heard in accordance with the requirements of the Administrative Procedure Act under Title 10, Subtitle 2 of the State Government Article.

(iii) The Department shall hold a public informational meeting on the issuance of a lease on the request of any person.

(iv) Immediately after termination of the period prescribed in subparagraph (i) of this paragraph for filing a petition or after a final decision dismissing a protest, the Department shall survey the proposed leased area and issue a lease to the applicant.

[\[Previous\]](#)[\[Next\]](#)